

**HOOPER, LUNDY & BOOKMAN, P.C.**  
 101 MONTGOMERY STREET  
 11TH FLOOR  
 SAN FRANCISCO, CA 94104  
 TEL: (415) 875-8500 • FAX: (415) 986-2157

1 Scott J. Kiepen (State Bar No. 175504)  
 Katrina A. Pagonis (State Bar No. 262890)  
 2 **HOOPER LUNDY & BOOKMAN, P.C.**  
 101 Montgomery Street, 11th Floor  
 3 San Francisco, CA 94104  
 Telephone: (415) 875-8500  
 4 Facsimile: (415) 986-2157  
 Email: SKiepen@health-law.com  
 5 Email: KPagonis@health-law.com

6 Mark A. Johnson (State Bar No. 191610)  
 Stanton J. Stock (State Bar No. 279179)  
 7 **HOOPER LUNDY & BOOKMAN, P.C.**  
 101 West Broadway St., Ste. 1200  
 8 San Diego, CA 92101  
 Telephone: (619) 744-7300  
 9 Email: mjohnson@health-law.com  
 Email: sstock@health-law.com

10 Attorneys for Defendants

11 Matthew Borden, Esq. (SBN: 214323)  
 12 J. Noah Hagey, Esq. (SBN: 262331)  
 Athul K. Acharya (SBN: 315923)  
 13 **BRAUNHAGEY & BORDEN LLP**  
 351 California Street, Tenth Floor  
 14 San Francisco, CA 94104  
 Telephone: (415) 599-0210  
 15 Facsimile: (415) 276-1808  
 16 Email: borden@braunhagey.com  
 Email: hagey@braunhagey.com  
 17 Email: acharya@braunhagey.com

18 Attorneys for Plaintiff

19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 KAREN MOU, on behalf of herself and those  
 22 similarly situated,  
 23 Plaintiff,  
 24 v.  
 25 SSC San Jose Operating Company LP, et al.,  
 26 Defendants.

Case No. 18-cv-01911-EJD

Hon. Edward J. Davila

**JOINT STATEMENT IN RESPONSE TO  
 ORDER TO SHOW CAUSE**

Pursuant to the Court's Order to Show Cause Re Settlement (ECF No. 115), the Parties hereby respectfully submit this Joint Statement, requesting ten (10) additional days (through July 15, 2020) to finalize and file a dismissal in this matter. By that time, the parties expect that all the necessary consents and signatures will be in place and will notify the Court immediately to obviate the OSC hearing that the Court has set for July 16, 2020.

Although the parties reached agreement on settlement during the course of mediation, intervening events have impeded finalization of the settlement. In particular, because this case involves skilled nursing facilities ("SNFs"), the unusual circumstances of the COVID-19 pandemic have created issues requiring additional time to finalize and file a dismissal.

Under the settlement reached during the course of mediation, the parties agreed to certain changes to Defendants' current practices related to discharging residents. At present, the parties are modifying that agreement in light of directives from the United States Department of Health and Human Services to address the exigencies created by the COVID-19 pandemic and to ensure that the injunction will not conflict with waivers or flexibilities adopted by the United States Department of Health and Human Services in response to the COVID-19 pandemic.

Separately, the parties' settlement agreement is contingent upon third-party approvals to be obtained by Defendants pursuant to loans and/or lease covenants. Although the volatility of the COVID-19 pandemic has impeded the approval process, Defendants expect that the approvals will be in place on or before July 15, 2020.

The Parties, therefore, respectfully request ten (10) days' time to obtain third-party approvals and to submit the paperwork to the Court.

Dated: July 6, 2020

HOOPER LUNDY & BOOKMAN, P.C.

By: /s/ Katrina A. Pagonis

SCOTT J. KIEPEN  
KATRINA A. PAGONIS  
MARK A. JOHNSON  
STANTON J. STOCK

Attorneys for Defendants

1  
2 Dated: July 6, 2020

BRAUNHAGEY & BORDEN LLP

3  
4 By: /s/ Matthew Borden

MATTHEW BORDEN

5 Attorneys for Plaintiff Karen Mou and those similarly  
6 situated

7  
8 **ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

9 Pursuant to Local Rule 5-1(i)(3), I, Katrina A. Pagonis, attest that all other signatories  
10 listed and on whose behalf the filing is submitted concur in this filing's content and have  
11 authorized this filing.

12 Dated: July 6, 2020

/s/ Katrina A. Pagonis

13 Katrina A. Pagonis  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28